

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RYDEX, LTD.

v.

FORD MOTOR COMPANY,  
ET AL.

NO. 4:11-cv-0122

JURY TRIAL DEMANDED

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff, Rydex, LTD., and defendants, Hyundai Motor America and Kia Motors America, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled **“LICENSE AND SETTLEMENT AGREEMENT”** and dated October 17, 2011, with each party to bear its own costs, expenses and attorneys fees.

November 15, 2011

Respectfully submitted,

/s/ Gene W. Lee

R. Paul Yetter  
State Bar No. 22154200  
Attorney-in-Charge  
Thomas M. Morrow  
State Bar No. 24039076  
YETTER COLEMAN LLP  
909 Fannin, Suite 3600  
Houston, Texas 77010  
Telephone: (713) 632-8000  
Facsimile: (713) 632-8002  
Email: pyetter@yettercoleman.com  
Email: tmorrow@yettercoleman.com

Gene W. Lee  
New York Bar No. 2564284  
Stuart W. Yothers  
New York Bar No. 4355467  
J. Karen Sum-Ping  
New York Bar No. 4729737  
ROPES & GRAY LLP  
1211 Avenue of the Americas

/s/ Stephen F. Schlather

Stephen F. Schlather  
Texas Bar No. 24007993  
COLLINS, EDMONDS & POGORZELSKI,  
PLLC  
1616 S. Voss Rd., Suite 125  
Houston, Texas 77057  
(713) 364-2371 – Telephone  
(832) 415-2535 – Facsimile

Edward W. Goldstein – Lead Attorney  
Texas Bar No. 08099500  
Alisa A. Lipski  
Texas Bar No. 24041345  
GOLDSTEIN & VOWELL, L.L.P  
1177 West Loop South, Suite 400  
Houston, Texas 77027  
(713) 877-1515 – Telephone  
(713) 877-1737 – Facsimile

*ATTORNEYS FOR PLAINTIFF*

New York, NY 10036-8704

Telephone: (212) 596-9000

Facsimile: (212) 596-9090

Email: [gene.lee@ropesgray.com](mailto:gene.lee@ropesgray.com)

Email: [stuart.yothers@ropesgray.com](mailto:stuart.yothers@ropesgray.com)

Email: [karen.sum-ping@ropesgray.com](mailto:karen.sum-ping@ropesgray.com)

*ATTORNEYS FOR DEFENDANTS HYUNDAI  
MOTOR AMERICA AND KIA MOTORS  
AMERICA, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

November 15, 2011

/s/ Stephen F. Schlather  
Stephen F. Schlather